

Message Text

UNCLASSIFIED

PAGE 01 STATE 114480
ORIGIN SCS-05

INFO OCT-01 EUR-12 ISO-00 JUSE-00 L-03 SCA-01 /022 R

DRAFTED BY SCA;SCS;RBOYLAN:JS
APPROVED BY SCA;SCS;AFOWLER
EUR/CE:SKLINGAMAN (PHONE)
DESIRED DISTRIBUTION
JUSTICE - JOHN HARRIS, RM. 836, FEDERAL TRIANGLE BLDG, CRIMINAL
DIVISION

-----190019Z 073002 /73

P 182045Z MAY 77
FM SECSTATE WASHDC
TO AMEMBASSY BERN PRIORITY

UNCLAS STATE 114480

E.O. 11652: N/A

TAGS: CGEN: (BRAUN, FREDDIE)

SUBJECT: JAT REQUEST IN MATTER OF UNITED STATES V. CAPPETRO

REF: BERN 244; STATE 11592

1. UNITED STATES ATTORNEY RESPONSIBLE FOR ABOVE CASE HAS INVITED SWISS NATIONAL FREDDIE BRAUN TO TESTIFY AT CAPPETRO TRIAL. INVITATION ISSUED PURSUANT TO JAT ARTICLE 23.
2. ACCORDING TO U.S. ATTORNEY, BRAUN IS UNWILLING TO ATTEND BECAUSE HE FEARS CRIMINAL PROSECUTION IN U.S. AND IS ALSO WORRIED ABOUT BEING SERVED WITH CIVIL PROCESS WHILE IN U.S.
3. REQUEST THAT BRAUN BE INFORMED USG IS AUTHORIZED UNDER JAT ARTICLE 27 TO GRANT IMMUNITY FROM PROSECUTION WHILE CAPPETRO IS IN U.S. FOR PURPOSE OF TESTIFYING, AND FOR UNCLASSIFIED

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TEN DAYS AFTER TESTIMONY IS COMPLETED. HOWEVER, ARTICLE 27 DOES NOT AUTHORIZE USG TO GUARANTEE THAT BRAUN WILL BE EXEMPT FROM SERVICE OF CIVIL PROCESS WHILE IN U.S., AND THERE IS NO OTHER AUTHORITY ON WHICH GOVERNMENT CAN RELY IN ATTEMPTING TO MAKE SUCH AN EXEMPTION.

4. U.S. ATTORNEY IS NEVERTHELESS ANXIOUS TO HAVE BRAUN

TESTIFY, AND POINTS OUT THAT RISK OF CIVIL LIABILITY IS
NOT GREATLY INCREASED BY TRAVEL TO U.S. SINCE A
DETERMINED PLAINTIFF IN A CIVIL CASE COULD OBTAIN PERSONAL
JURISDICTION OVER BRAUN EVEN IF HE NEVER SET FOOT IN U.S.

5. TRIAL SET FOR 5/31, PLEASE ADVISE DEPT OF BRAUN
REACTION. CHRISTOPHER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 18-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
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Drafter: JS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Format: TEL
From: STATE
Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t19770542/aaaabkdr.tel
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Office: ORIGIN SCS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
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Retention: 0
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Review Content Flags:
Review Date: 25-Jan-2005 12:00:00 am
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SAS ID: 2463781
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